



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-कोकण विभागीय पुरवणी

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असाधारण क्रमांक ६२

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 7th October 2017

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No.TPS-1814/CR-82/14/Rules/UD-13.—In exercise of the powers conferred by sub-section (1) of Section 52A and clause (xxxviii) of sub-section (2) of Section 158 of the Maharashtra Regional and Town Planning Act, 1966 (Mah.XXXVII of 1966), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby make the following rules, the same having been previously published as required by sub-section (1) of the said section 158, as follows :—

- (1) These rules may be called the Maharashtra Town Planning (Compounded Structures) Rules, 2017.
- (2) These rules shall apply to the unauthorised developments carried out on or before 31st December 2015 within the jurisdiction of Local Authority/Planning Authority and New Town Development Authority constituted under section-113 of the MR&TP Act, 1966.
- (3) These rules shall come into force at once.
- (4) In these rules, unless the context requires otherwise,—
 - (a) “Act” means the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966);
 - (b) “Buffer zone” means an area to be left free from development as per the concerned regulations ;
 - (c) “Compounded structure” means a structure defined as compounded structure under clause (5A) of section 2 of the Act ;
 - (d) “Compounding charges”, “infrastructure charges” and “premium” means compounding charges, infrastructure charges and premium as specified by the Government under these rules ;

(४)

(e) "Prohibited areas" means the areas where development is prohibited on account of safety and legal or natural impediments or constraints;

(f) "Regulations" means Development Control and Promotion Regulations made under the Act;

(g) "Structurally unsafe buildings" means the building which is declared as dangerous structure under the relevant provisions of the concerned Municipal laws time being in force;

(h) "Unauthorised development" means an unauthorised development as envisaged in sub-section (1) of Section 52 of the Act;

The words an expression used in these Rules but not defined hereinabove shall have the same meaning as respectively assigned to them under the Act, rules or regulations made thereunder.

(5) The following types of unauthorised developments shall not be considered for declaration as compounded structure under section 52 A of the Act, namely :—

(a) Unauthorised developments in the areas where development is prohibited by or under any law, or development prohibited areas such as rivers, canals, tanks, blue flood line, defence zone, quarry, heritage buildings, dumping grounds, ecologically sensitive areas like hill slope having slope greater than 1:5, CRZ-I areas, mangroves, forest etc.;

(b) Unauthorised development in Buffer Zones ;

(c) Structurally unsafe building ;

(d) Unauthorised development on lands in zones other than the Residential Zone, Public-Semi public Zone, Commercial Zone and Industrial Zone ;

(e) Unauthorised development carried out by violating the land use permissible in zones of Development Plan except in the Residential Zone.

(6) The following types of unauthorised developments may be considered for declaration as compounded structure subject to the fulfilment of conditions mentioned below and parameters specified in the table annexed to these rules.

(a) Unauthorised development on inam lands and class-II Occupant lands on production of clearance or No Objection Certificate from the competent authority ;

(b) Unauthorised developments on lands reserved for public purposes except playground, garden and open spaces in any plan, if the said reservation is shifted or deleted after following due process of law, subject to the condition that the cost of shifting or deletion is borne by the owner and/or occupier ;

(c) Unauthorised developments on lands reserved for linear reservations such as roads, railways, metros in any plan, if the said linear reservations are shifted after following due process of law ;

(d) Unauthorised developments on buildable reservations in any plan, if requirements of regulation for Accommodation Reservation are complied with ;

(e) Unauthorised developments violating the land use zone, if the land use zone is changed after following due process of law subject to the condition that the cost of zone change is borne by the owner and/or occupier ;

(f) Unauthorised developments on Government lands or lands owned by other public authorities on production of,—

(i) No objection certificate from the land owning authority authorised to do so under the law applicable thereto; and

(ii) After transfer or allotment or lease of such land to the concerned person by following due process of law under the law applicable thereto ;

(g) Unauthorised development on land earmarked for any special scheme for rehabilitation or resettlement of any Project Affected Person, at the discretion of the Planning Authority ;

(h) Unauthorised developments on unauthorised plots subject to conditions mentioned in entry 15 in the table annexed hereto ;

(7) Development which is permissible in Residential or Commercial or Public-semipublic or Industrial Zone as per prevailing development control Regulations but constructed without obtaining prior permissions of the authority shall be considered for declaration as compounded structure by charging compounding charges.

(8) Unauthorised developments (**Residential or other use**) which is carried out in Residential or Commercial or Public-semi public or Industrial Zone in violation of Regulations on the following grounds may be considered for declaration as compounded structure after taking into consideration the parameters specified in the table annexed to these rules,—

(i) Floor Space Index (F.S.I.);

(ii) Height of building;

(iii) Marginal open spaces;

(iv) Coverage;

(v) Road width; or

(vi) Other development control matters provided in the table annexed to these rules.

(9) Every Planning Authority shall, within six months from the commencement of these rules, publish notice, in local newspapers widely circulated in its area, inviting applications, in the form provided by it in the public notice, from the owners or occupiers of unauthorised development, for consideration to declare such structure as compounded structure and stating therein the time and date on or before which the application must reach to it, and applications received thereafter shall not be considered.

(10) Every Planning Authority shall consider the applications received by it after taking into consideration the parameters specified in these rules and in the table annexed to these rules;

(11) And where the Planning Authority is satisfied in case or class of cases the unauthorised developments or use of such developments can be permitted for retention or continuation of use by charging and recovering premium, infrastructure charges and compounding charges, as specified in these rules and upon such payments, the Planning Authority may declare such unauthorised development as compounded structure.

(12) Where the planning authority has declared any unauthorised development as compounded structure, no further development shall be permissible in such structure other than repairs and maintenance, and any redevelopment or reconstruction of such structure shall be permissible only as per the provisions of the prevailing Development Control and Promotion Regulations.

(13) In respect of unauthorised development to be declared as compounded structure, in addition to the Development Charges,—

(a) (i) Infrastructure charges equal to the development charges shall be levied and recovered.

(ii) Compounding charges not less than double the development charges shall be levied and recovered.

(b) Premium shall be assessed, levied and recovered as applicable in the jurisdiction of planning authorities for the categories such as Additional Floor Space Index premium, Transferrable Development Rights (TDR) loading premium, infrastructure improvement charges, Deficiency premium etc. as the case may be.

(14) All money received by the planning authority as premium, infrastructure charges and compounding charges under these rules shall be credited to a separate head of account and the same shall be utilized only for the purpose for providing public amenities, utilities and services in the respective areas.

Table

Parameters to be taken into consideration by the Planning Authority while declaring unauthorised developments as compounded structures,-

| (1) | (2) | (3) |
|-----|--|---|
| 1 | Permissible height of building with respect to Road Width. | Road width 6.00 mt. 9.00 mt. 12.00 mt. Maximum permissible height Upto 15.00 mt. Upto 24.00 mt. Upto 36 mt. |
| 2 | Permissible building use. | Note :— No building shall be declared as compounded structure having height more than 36 mt. (i) Mixed uses under R-1 and R-2 zones may be considered as permissible in Development Control Regulations without the limitations of the floors. (ii) Uses in independent building may be considered as permissible in Development Control Regulations, provided the road width is minimum 9 mt. (iii) Mixed use other than residential use may be considered by charging compounding charges as specified in these rules. |
| 3 | Permissible Floor Space Index (FSI) | Floor Space Index (FSI) shall be permissible as per the prevailing Development Control Regulations of the respective Planning Authority ; Provided that if some extra construction has been carried out beyond the then permissible Floor Space Index limit or areas free of Floor Space Index have been brought into habitable use, then such areas / construction can be considered for declaration as compounded structure by procuring premium Floor Space Index or Fungible Floor Space Index or Transferrable Development Right admissible as per the current norms in the prevailing Development Control Regulation by paying additional compounding charges at the rate of 10% of land rate as mentioned in the Annual Statement Rates in addition to the premium for such additional Floor Space Index ; Explanation:—For the purpose of this clause higher permissible Floor Space Index as applicable for Economically Weaker Section /Low Income Group housing and slum rehabilitation projects shall be taken into consideration subject to the restrictions of dwelling unit sizes mentioned in the respective Development Control Regulations. |

| (1) | (2) | (3) | | | | | | | | | | | | |
|---------|------------------------|---|---------|------------------------|---------------------------------|---|---------------------|-----------|---|---------------|--------------------------|---|---------------|---|
| 4 | Inadequate set backs | <p>Inadequate marginal distances with respect to Development Control Regulations may be considered as per the following table :—</p> <table border="1"> <thead> <tr> <th>Sr. No.</th><th>Building height (1)</th><th>Minimum required setback (3)</th></tr> </thead> <tbody> <tr> <td>1</td><td>Height upto 10 mtr.</td><td>0.75 mtr.</td></tr> <tr> <td>2</td><td>10 to 24 mtr.</td><td>50 % of required setback</td></tr> <tr> <td>3</td><td>Above 24 mtr.</td><td>50 % of required setback or as decided by Chief Fire Officer.</td></tr> </tbody> </table> <p>It can be considered for compounding subject to recovery of an amount equal to 50 % of the cost of the unauthorised development occupied by inadequate marginal distance calculated as per the construction rate mentioned in applicable Annual Statement of Rates, with additional compounding charges equal to 10 % of the land rate in current Annual Statement of Rates subject to No Objection Certificate of fire, wherever necessary.</p> <p>Provided that the unauthorised development carried out along the classified roads may be permitted within building / control line subject to no objection certificate from the concerned authority.</p> | Sr. No. | Building height (1) | Minimum required setback (3) | 1 | Height upto 10 mtr. | 0.75 mtr. | 2 | 10 to 24 mtr. | 50 % of required setback | 3 | Above 24 mtr. | 50 % of required setback or as decided by Chief Fire Officer. |
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| 1 | Height upto 10 mtr. | 0.75 mtr. | | | | | | | | | | | | |
| 2 | 10 to 24 mtr. | 50 % of required setback | | | | | | | | | | | | |
| 3 | Above 24 mtr. | 50 % of required setback or as decided by Chief Fire Officer. | | | | | | | | | | | | |
| 5 | Width of approach road | <p>Width of approach road must be as per the approved Development Control Regulations of the concerned planning authority. If width of approach road is not as per the Development Control Regulations, the possibility of widening the same may be explored by adopting the process under prevailing Acts / Rules / Regulations. However, in any case, following minimum width of road should be observed.</p> <p>In Gaothan Area -</p> <p>(i) For purely Residential use- at least 4.50m.</p> <p>(ii) For Mixed use - at least 6.00 m.</p> <p>Outside Gaothan Area -</p> <p>(i) For purely Residential use - at least 6.00 m.</p> <p>(ii) For Mixed use - at least 9.00 m.</p> | | | | | | | | | | | | |

| (1) | (2) | (3) |
|-----|---|---|
| 6 | Plinth area (Ground Coverage) | However such uses may be considered by charging the additional compounding charges equal to 10 percent of the land rate in current Annual Statement of Rates. Plinth area or Ground Coverage may be relaxed by the concerned planning authority or officer authorised by charging the additional compounding charges equal to 10% of the land rate in current Annual Statement Rates. These charges shall not be necessary in cases in which charges for inadequate setback are recovered. |
| 7 | Parking area | If parking area is not possible to be provided for the individual building, possibility be explored to provide mechanical parking or a space for common parking adjoining such area. If not possible then for residential building only concession be given by charging additional premium equal to 20% of land rate in current Annual Statement of Rates. For other building concession may be given not exceeding 50% of required parking area by charging additional premium as mentioned above. |
| 8 | Inner chowk / duct sizes. | Relaxation may be granted upto 33% in the required sizes. |
| 9 | Stair case width / passage width / balcony/ terrace/misuse of any free Floor Space Index component. | Relaxation may be granted up to 30 % of the base Floor Space Index as per the Development Control Regulations by recovering additional compounding charges equal to 10 % of the land rate in current Annual Statement of Rates. |
| 10 | No Objection Certificates of Drainage Department. | No Objection Certificate from authorised officer of Planning Authority is required wherever necessary. |
| 11 | No Objection Certificates of Water Supply Department | No Objection Certificate from authorised officer of Planning Authority is required wherever necessary. |
| 12 | No Objection Certificates of Garden | No Objection Certificate from authorised officer of Planning Authority is required wherever necessary. |
| 13 | No Objection Certificates of Fire department | Wherever required as per the Development Control Regulations, fire No Objection Certificate from authorised officer is necessary. |
| 14 | Structural stability of Unauthorized building. | Wherever required as per the Development Control Regulations, Structural stability certificate /No Objection Certificate from authorised structural engineer is necessary. |

| (1) | (2) | (3) |
|-----|---|---|
| 15 | Unauthorised sub-division of layouts/ plot in Residential Zone. | <p>Unauthorised layout / plot / subdivision in Residential zone</p> <p>(i) Unauthorised layouts which are as per the Development Control Regulations can be regularised by charging one time compounding charges as specified by the Government. But when such layouts are not as per the Development Control Regulations, then in such cases compounding charges plus land value of compulsory re-creational open space shall be recovered.</p> <p>(ii) for unauthorised sub-division of plot, when such plot owner comes for regularisation then such plot may be regularised by charging compounding and infrastructure charges.</p> <p>(iii) In cases (i) and (ii) above where open spaces are not available in layouts, in such cases Floor Space Index shall be the 75 per cent of the basic Floor Space Index.</p> |

By order and in the name of Governor of Maharashtra,

SANJAY SAOJI,
Deputy Secretary to Government.